HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No.4559/2005

CORAM: Hon'ble Shri S.R.Nayak, Chief Justice &
Hon'ble Shri D.R.Deshmukh, J.

Petitioner : Krishnakar Gorakh, Opposite Dayalband Primary School, Bilaspur (CG)

Versus

Respondents :
1. State of C.G. through Secretary, General Administration Deptt. D.K.S. Bhawan, Raipur (C.G.)
2. Municipal Corporation Bilaspur, through-Commissioner, Municipal Corporation Bilaspur (CG)
3. Bilaspur Infrastructure Private Limited, through Director, Shri Ashok Agrawal 3rd floor, Super Market, Agrasen Chowk Bilaspur (CG)

Shri Gautam Bhaduri, learned amicus curiae, for the petitioner.

Shri V.V.S.Murthy, learned Dy. A.G. with Shri Utkarsh Verma, learned Dy.G.A. for the State.

Smt. Hamida Siddiqui, Counsel for respondent No.2-Municipal Corporation, Bilaspur.

Shri Manindra Shrivastava, Sr. Advocate with Shri Amrito Das, Counsel for respondent No.3

ORAL ORDER
(Passed on 15.2.2006)

The following oral order of the Court was passed by S.R.NAYAK, C.J.

The letter dated 8.9.2005 written by the petitioner to the Chief Justice of this Court was treated as writ petition and notice was ordered. In the said letter, it is complained that though the petitioner made an application on 8.4.2005 to the Commissioner, Municipal Corporation, Bilaspur, the second respondent herein, along

with a Banker's cheque of Rs.5,000/- bearing No.939615 dated 8.4.2005 issued by the State Bank of India, no shop is allotted to him. It was also alleged that when he approached the builder of the shops i.e. Bilaspur Infrastructure Private Limited, third respondent herein, he demanded a sum of Rs.8 lacs for allotting a shop. In response to the notice issued by this Court, the respondents have filed their return denying all factual allegations made against them in the said letter.

2. When this matter was heard on 22.11.2005, we directed the Commissioner, Municipal Corporation Bilaspur to furnish certain particulars by way of sworn affidavit. The particulars sought by us were the following:

> "(i) How many sites are formed by the agent 'Bilaspur Infrastructure' under the agreement entered into with the Corporation?
>
> (ii) Out of such total number of sites, how many sites are earmarked in favour of the Scheduled Castes, Scheduled Tribes and Other Backward Classes, category-wise?
>
> (iii) Whether the developer has sold any of the sites earmarked for the above reserved categories in favour of any person belonging to unreserved categories?"

3. Accordingly, the Commissioner has filed his affidavit giving particulars. It is seen that as per the affidavit of the Commissioner, out of total number of 345 shops, 57 shops are earmarked for persons belonging to SC/ST category, only 4 shops were allotted to the persons belonging to that category. It is pointed out by the learned counsel for the respondents that under the Scheme a person who seeks allotment of shop should make an application to the

developer/promoter and that the petitioner did not make any application to the developer/promoter, the third respondent herein. The petitioner without making application under the Scheme to the third respondent cannot make any grievance. In that view of the matter, we dispose of this writ petition permitting the petitioner to make necessary application to the third respondent-Bilaspur Infrastructure Private Limited within a period of three weeks from today and if such application is made by the petitioner, the third respondent is directed to consider the same in terms of the Scheme and in accordance with law within a period of one month from the date of receipt of such application.

4. In the facts and circumstances of the case, there shall be no order as to costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjani